

REMARKS

Reconsideration and withdrawal of the restriction requirement and examination of all of the claimed subject matter on the merits are respectfully requested in light of the remarks that follow:

STATUS OF CLAIMS

Claims 60-118 remain pending in this application. Claims 1-59 were previously cancelled.

PRIORITY

Applicants thank the Examiner for acknowledging receipt of the claim for foreign priority and the certified copy of the priority document.

INFORMATION DISCLOSURE STATEMENT

Applicants also thank the Examiner for acknowledging the May 24, 2006 Information Disclosure Statement.

RESTRICTION REQUIREMENT

The Examiner has required restriction to one of the following six groups:

Group I, Claims 60-91, drawn to a dendritic polymer;

Group II, Claims 92-95 and 98-103, drawn to a method of preparing a phosphonic terminated dendritic polymer through addition of a dialkyl phosphonic to a double bond;

Group III, Claims 92, 93, 96 and 97, drawn to a method of preparing a phosphonic terminated dendritic polymer through substitution of terminal groups;

Group IV, Claims 104-109, drawn to a phosphonic compound;

Group V, Claims 110-114, drawn to a method of preparing a phosphonic compound, and

Group VI, Claims 115-118, drawn to a method of use for a phosphonic terminated dendritic polymer.

In response to the restriction requirement, applicants hereby elect, with traverse, Group I, Claims 60-91, drawn to a dendritic polymer.

Applicants traverse the restriction requirement for the following reasons:

Applicants dispute the Examiner's position that Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.2. The Groups I-VI comply with PCT Rule 13.2 because they share the dendritic polymer with phosphonic terminal groups of Group I, being the polymers (Group I), a method of making the polymers (Groups II and III), intermediates for making the polymers, namely, the phosphonic compounds (Group IV)--note the process of Claim 96 utilizes a phosphonic compound of formula (Group VIII) to prepare a dendritic polymer of Claim 60 -- while Group V provides a process for preparing the Group IV intermediates, and Group VI provides a method for using the Group I dendritic polymers. Thus, all claims are linked by the dendritic polymers.

The Examiner claims that the unifying technical feature cannot be the special technical feature because it is shown in the prior art. However, it is not seen how the Matthews et al. patent meets each and every aspect of every claim of Group I drawn

to Applicants' dendritic polymers. Applicants have not received an adequate Official Action on the merits and it is thus extremely premature to hold that Applicants possess no Group I dendritic polymers which can be distinguished from the cited patent and which unite the claims. In the same way, as to Groups IV and V, they do not share a compound of formula (VII) but rather a compound of formula (VIII). Further, there are many compounds of formula (VIII) which are not shown by Kagaku, for example, the compounds of Claims 106-108, to name a few. And again, Applicants have not received an adequate Official Action on this point.

Moreover, in the international phase of this application, claims falling within all of Groups I-VI apparently were found to relate to a single invention as all of the claims were searched. Note the International Search Report already in this file. This is indeed consistent with Applicants' view of the technical feature linking all the claims. It is not understood how claims relating to the present invention can be considered to relate to a single invention in the international phase and yet, under the very same PCT rules, be found to not do so here. Indeed, such action appears to be inappropriate.

As yet another point, the subject matter of non-elected Groups II and III overlaps, because the Group III process is merely an optional final step in the Group II process.

As yet another point, in the event of a finding of allowable subject matter in elected Group I, at least the process of making claims of Groups II and III as well as the process of using claims of Group VI which are commensurate in scope with allowable Group I claims should be rejoined in accord with Ochiai/Brouwer practice. See M.P.E.P. 806.05(f) and 806.05(h), Rev. 5, Aug. 2006.

In view of the foregoing, it is submitted that the restriction requirement is untenable. Withdrawal of the requirement and examination of all of the claims on the merits are respectfully urged.

Respectfully submitted,

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